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10/807,785

03/24/2004

John Matthai

3591/1372

4259

7590 02/26/2007  
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EXAMINER

A, PHI DIEU TRAN

ART UNIT

PAPER NUMBER

3637

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/807,785

Applicant(s)

MATTHAI, JOHN

Examiner

Phi D. A

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 6 “ the workspace panel” is lacking antecedent basis.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulwiecek (3497079).

Kulwiecek shows a workspace panel tile comprising a semi-transparent screen (12) allowing light diffusion through the screen and blocking visual sight through the screen, attaching mechanisms (the back surface) disposed on a rear side of the tile and attachable to a workspace panel frame, the tile is attachable and detachable from the workspace panel, vertical stiles and horizontal cross members, the members being attached together at corners thereof, the members comprising longitudinal slots facing inward, edges of the screen being disposed in the slots thereby securing the screen (figure 7, 8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulwiecek in view of Whisnant (5193603).

Kulwiecek shows all the claimed limitations except for the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together.

Whisnant shows the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiecek's structure to show the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together because it allows for the easy and quick assembly of stiles and cross members together as taught by Whisnant, furthermore, examiner takes Official Notice of the well known use of protrusion from stiles on cavities on cross members to quickly assemble parts together.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulwiecek.

Kulwiec shows all the claimed limitations except for the mechanism comprising a hook and snap.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiec's structure to show the mechanism comprising a hook and snap because it enables the easy holding in place of the panels when inserted into the frame.

6. Claims 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulwiec in view of Maninfior (5054255)

Kulwiec shows all the claimed limitations except for a fabric material disposed over the screen.

Maninfior shows a fabric (30) disposed over a screen.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiec's structure to show a fabric material disposed over the screen as taught by Maninfior because it enables the covering of a surface of the panel when mounted to a wall, which allows to panel to hide the structure behind.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulwiec in view of Maninfior (5054255)

Kulwiec shows all the claimed limitations except for the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer walls.

Maninfior shows the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer walls.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiec's structure to show the screen being extruded plastic material

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having two opposing outer walls and interconnecting walls connected to the outer wall as taught by Maninfior because it forms a strong interior core structure as taught by Maninfior.

Per claims 7 Kulwiec as modified shows all the claimed limitations except for the plastic being polycarbonate material about 0.25 inch thick, and the interconnecting walls being 0.25 inch thick.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiec's modified structures to show the plastic being polycarbonate material about 0.25 inch thick, and the interconnecting walls being 0.25 inch thick because it would have been an obvious matter of engineering design choice to choose a certain material for its property and a certain dimension of the structure for its needed strength.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulwiec in view of Maninfior (5054255), and Whisnant (5193603).

Kulwiec shows all the claimed limitations except for the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer walls, the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together, the mechanism comprising a hook and snap, the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer walls, the plastic being polycarbonate material about 0.25 inch thick, and the interconnecting walls being 0.25 inch thick.

Maninfior shows the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer walls.

Whisnant shows the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kulwiec's structure to show the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer wall as taught by Maninfior because it forms a strong interior core structure as taught by Maninfior, the plastic being polycarbonate material about 0.25 inch thick, and the interconnecting walls being 0.25 inch thick because it would have been an obvious matter of engineering design choice to choose a certain material for its property and a certain dimension of the structure for its needed strength, the horizontal members comprising cavities disposed at ends thereof, the stiles having protrusions disposed at ends thereof, the protrusions slide into the cavities to secure the members together because it allows for the easy and quick assembly of stiles and cross members together as taught by Whisnant, furthermore, examiner takes Official Notice of the well known use of protrusion from stiles on cavities on cross members to quickly assemble parts together, the mechanism comprising a hook and snap because it enables the easy holding in place of the panels when inserted into the frame, a fabric material disposed over the screen as taught by Maninfior because it enables the covering of a surface of the panel when mounted to a wall, which allows to panel to hide the structure behind, the screen being extruded plastic material having two opposing outer walls and interconnecting walls connected to the outer wall as taught by Maninfior because it forms a strong interior core structure as taught by Maninfior, the plastic being polycarbonate material about 0.25 inch thick, and the interconnecting walls being 0.25

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inch thick because it would have been an obvious matter of engineering design choice to choose a certain material for its property and a certain dimension of the structure for its needed strength.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different panel designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Phi Dieu Tran A

2/20/07